

WESTERN DISTRICT OF TENNESSEEWESTERN DIVISIONFILED BY JE D.C.

05 SEP -9 PM 3:11

Docket No.2:05CR20043-01THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHISU.S.A. vs. Gina Gail Smith**Petition on Probation and Supervised Release**

COMES NOW DAWN L. BROWN, PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of Gina Gail Smith, who was placed on Probation by the Honorable Jon Phipps McCalla sitting in the Court at Memphis, Tennessee, on the 18th day of February, 2005, who fixed the period of Probation at one (1) year, and imposed the general terms and conditions theretofore adopted by the Court and also imposed Special Conditions and terms as follows:

1. The defendant shall not possess firearms or other dangerous weapons.
 2. The defendant shall submit to drug testing and drug treatment programs as directed by the Probation Office.
 3. The defendant shall seek and maintain full-time employment.
 4. The defendant shall cooperate with DNA collection as directed by the Probation Office.
 5. The defendant shall continue follow-up care regarding drug rehabilitation.
 6. The defendant shall pay a \$1,000.00 fine. (Balance \$490.00).
- * Probation was revoked on June 6, 2005, by the Honorable Jon Phipps McCalla. Defendant was sentenced to Time Served with a one (1) year term of Supervised Release. The following additional Special Conditions were imposed:
7. The defendant shall continue to reside and continue treatment at Hope House as long as permitted.
 8. The defendant shall participate in an active drug and/or alcohol support group at least three (3) times per week.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

SEE ATTACHED

PRAYING THAT THE COURT WILL ORDER a SUMMONS be issued for Gina Gail Smith to appear before the United States District Court to answer charges of violation of Supervised Release.

ORDER OF COURT

Considered and ordered 9 day
of Sept, 2005 and ordered
filed and made a part of the records in
the above case.

Jon P. McCalla
United States District Judge

I declare under penalty of perjury that the
foregoing is true and correct.

Executed
On September 1, 2005
Dawn L. Brown
United States Probation Officer

Place: Memphis, TN

This document entered on the docket sheet in compliance
with Rule 55 and/or 32(b) FRCP on 9-9-05

(21)

Gina Gail Smith

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RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The Defendant Has Violated The Following Condition of her Supervised Release:

The defendant shall not illegally possess a controlled substance.

On August 2, 2005, Gina Gail Smith tested positive for the use of Cocaine.

VIOLATION WORKSHEET

1. **Defendant** Gina Gail Smith (1383 Kney, Memphis, TN 38107)
2. **Docket Number (Year-Sequence-Defendant No.)** 2:05CR20043-01
3. **District/Office** Western District of Tennessee (Memphis)
4. **Original Sentence Date** 02 / 18 / 2005
month day year

(If different than above):

5. **Original District/Office** _____
6. **Original Docket Number (Year-Sequence-Defendant No.)** _____
7. **List each violation and determine the applicable grade {see §7B1.1}:**

<u>Violation(s)</u>	<u>Grade</u>
• <u>Illegally possessed/used a controlled substance</u>	<u>B</u>
• _____	_____
• _____	_____
• _____	_____
• _____	_____
• _____	_____
• _____	_____
• _____	_____

8. **Most Serious Grade of Violation (see §7B1.1(b))** B
9. **Criminal History Category (see §7B1.4(a))** II
10. **Range of imprisonment (see §7B1.4(a))** 6 - 12 months
Statutory Maximum: Not More Than 11 months and 29 days.
11. **Sentencing Options for Grade B and C Violations Only (Check the appropriate box):**
- { x } (a) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is at least one month but not more than six months, §7B1.3(c)(1) provides sentencing options to imprisonment.
- { } (b) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than six months but not more than ten months, §7B1.3(c)(2) provides sentencing options to imprisonment.
- { } (c) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than ten months, no sentencing options to imprisonment are available.

**Mail documents to: United States Sentencing Commission, 1331 Pennsylvania Avenue, N.W.
Suite 1400, Washington, D.C., 20004, Attention: Monitoring Unit**

12. Unsatisfied Conditions of Original Sentence

List any restitution, fine, community confinement, home detention, or intermittent confinement previously imposed in connection with the sentence for which revocation is ordered that remains unpaid or unserved at the time of revocation {see §7B1.3(d)}:

Restitution (\$) N/A

Community Confinement N/A

Fine (\$) \$490.00

Home Detention N/A

Other N/A

Intermittent Confinement N/A

13. Supervised Release

If probation is to be revoked, determine the length, if any, of the term of supervised release according to the provisions of §§5D1.1-1.3 {see §7B1.3(g)(1)}.

Term: _____ to _____ years

If supervised release is revoked and the term of imprisonment imposed is less than the maximum term of imprisonment impossible upon revocation, the defendant may, to the extent permitted by law, be ordered to recommence supervised release upon release from imprisonment {see 18 U.S.C. §3583(e) and §7B1.3(g)(2)}.

Period of supervised release to be served following release from imprisonment: _____

14. Departure

List aggravating and mitigating factors that may warrant a sentence outside the applicable range of imprisonment:

15. Official Detention Adjustment {see §7B1.3(e)}: _____ months _____ days

**Mail documents to: United States Sentencing Commission, 1331 Pennsylvania Avenue, N.W.
Suite 1400, Washington, D.C., 20004, Attention: Monitoring Unit**



Notice of Distribution

This notice confirms a copy of the document docketed as number 21 in case 2:05-CR-20043 was distributed by fax, mail, or direct printing on September 9, 2005 to the parties listed.

Kemper B. Durand
THOMASON HENDRIX HARVEY JOHNSON & MITCHELL
40 S. Main St.
Ste. 2900
Memphis, TN 38103--552

Tony R. Arvin
U.S. ATTORNEY'S OFFICE
167 N. Main St.
Ste. 800
Memphis, TN 38103

Honorable Jon McCalla
US DISTRICT COURT